

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VALLEY HEALTH SYSTEM LLC, et al.,
Plaintiff(s),
v.
AETNA HEALTH, INC., et al.,
Defendant(s).

Case No. 2:15-CV-1457 JCM (NJK)

ORDER

Presently before the court is defendants Aetna Health Management, LLC and Aetna Health, Inc.'s motion to dismiss. (Doc. #6). Plaintiffs Valley Health System, LLC and Summerlin Hospital Medical Center, LLC did not file an opposition to the motion to dismiss, but instead filed an amended complaint. (Doc. #14).

"A party may amend its pleading once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). Plaintiffs filed their amended complaint 19 days after defendants' first motion to dismiss, within the 21 day period set forth by Rule 15(a)(1)(B). As such, defendants' motion to dismiss is moot, because it seeks to dismiss a complaint that has been supplanted by the filing of a first amended complaint.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that defendants' motion to dismiss (doc. #6) be, and the same hereby is, DENIED as moot.

DATED February 22, 2016.


UNITED STATES DISTRICT JUDGE